

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL ALEXANDER MARSHALL)	3:12-CV-00432-HDM-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	August 27, 2012
)	
CYNTHIA JOEANN CHORJEL, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Jonathan H. King

COUNSEL FOR DEFENDANT(S): Holly A. Vance

MINUTES OF PROCEEDINGS: Motion Hearing

2:58 Court convenes.

The court addresses the parties regarding defendants' *Motion for Extension of Time To File Response to Complaint* (Dkt. #3).

Ms. Vance represents that it is her understanding that service on behalf of defendant Cynthia JoeAnn Chorjel has not yet been effected. Ms. Vance states that the basis of defendants' motion for extension of time (Dkt. #3) is that, in the majority of removal cases, this type of motion is typically filed because of an oversight in Federal Rules of Civil Procedure 81(c), which does not include the provisions of Federal Rule of Civil Procedure 12(a)(2).

Mr. King indicates that he has never received the instant motion and, had defense counsel contacted him, he would have stipulated to a request for extension of time. Mr. King represents that all defendants have been served and the proof of service is on file. The court notes that the proof of service was not included in the petition for removal (Dkt. #1). Mr. King raises the issue that, if defendant Ms. Chorjel is determined to not be within the scope of her employment, perhaps this case should have not been removed, at least as to Ms. Chorjel individually.

After hearing from counsel, the court approves the extension of time and defendants' Motion for Extension of Time to File Response to Complaint is GRANTED. Defendants shall have

